

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

PLANNED PARENTHOOD CENTER FOR  
CHOICE, et al.,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as Governor  
of Texas, et al.,

Defendants.

No. 1:20-cv-323-LY

**PROPOSED ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING  
ORDER**

Plaintiffs Alamo City Surgery Center PLLC d/b/a Alamo Women's Reproductive Services ("Alamo") and Houston Women's Reproductive Services ("HWRS") have moved for a temporary restraining order allowing them to provide abortions consistent with the terms of this Court's Order Granting Plaintiffs' Second Motion for Temporary Restraining Order, ECF No. 63 (the "Second TRO") and Order Extending Order Granting Plaintiffs' Second Motion for Temporary Restraining Order, ECF No. 82. Having considered the motion, the Second Amended Complaint, and the evidence in the record, the Court grants the motion.

The Court incorporates by reference the findings of fact and conclusions of law contained in the Court's March 30, 2020 Order Granting Plaintiffs' Request for Temporary Restraining Order, ECF No. 40. The Court also incorporates by reference the findings of fact and conclusions of law contained in the Court's April 9, 2020 Order Granting Plaintiffs' Second Motion for a Temporary Restraining Order, ECF No. 63.

Therefore,

**IT IS ORDERED** that Plaintiffs Alamo's and HWRS's Motion for Temporary Restraining Order (ECF No. \_\_\_\_\_), filed April 17, 2020, is GRANTED.

**IT IS FURTHER ORDERED** that Defendants and their employees, agents, successors, and all others acting in concert or participating with them are **TEMPORARILY RESTRAINED** from enforcing Executive Order GA-09, "Relating to hospital capacity during the COVID- 19 disaster," and the Texas Medical Board's emergency amendment to Title 22 Texas Administrative Code section 187.57, as a categorical ban on all abortions provided by Plaintiffs Alamo and HWRS.

**IT IS FURTHER ORDERED** that Defendants and their employees, agents, successors, and all others acting in concert or participating with them, are **TEMPORARILY RESTRAINED** from enforcing Executive Order GA-09 and the Emergency Rule adopted by the Texas Medical Board to enforce Executive Order GA-09 against Plaintiffs Alamo and HWRS or their agents who provide medication abortions.

**IT IS FURTHER ORDERED** that Defendants and their employees, agents, successors, and all others acting in concert or participating with them, are **TEMPORARILY RESTRAINED** from enforcing Executive Order GA-09 and the Emergency Rule adopted by the Texas Medical Board to enforce Executive Order GA-09 against Plaintiffs Alamo and HWRS or their agents who provide a procedural abortion to any patient who, based on the treating physician's medical judgment, would be past the legal limit for an abortion in Texas—22 weeks LMP—on April 22, 2020.

**IT IS FURTHER ORDERED** that this Temporary Restraining Order shall expire on May 1, 2020, at 5:00 p.m. This order may be extended for good cause, pursuant to Federal Rule of Civil Procedure 65.

Plaintiffs Alamo and HWRS shall not be required to post a bond. *See Kaepa, Inc. v. Achilles Corp.*, 76 F.3d 624, 628 (5th Cir. 1996).

SIGNED at \_\_\_\_\_, this \_\_\_\_\_ day of April, 2020.

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HON. LEE YEAKEL  
UNITED STATES DISTRICT JUDGE